

**Government of Jammu and Kashmir**  
**Home Department**  
Civil Secretariat, J&K Jammu/Kashmir

**Subject: Imposition of penalty on Shri Basharat Hussain Dar, KPS-116199, Dy.SP, J&K Police, in terms of Rule 30 and Rule 33 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.**

**Government Order No:441-Home of 2022**

**Dated:06.12.2022**

**Whereas,** departmental proceeding was initiated against Shri Basharat Hussain Dar, Dy.SP, based on the recommendations of the DGP, J&K, in terms of Rule 33 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, for having contracted second marriage without first obtaining the permission of the Government, in violation of Rule 22(1) of the J&K Government Employees (Conduct) Rule, 1971; and

**Whereas,** vide Memorandum No. Home/Gaz/PF/81/2013/807 dated 22.02.2017, Articles of Charge along with the Statement of Imputations in support of the charge and other connected documents were served upon Shri Basharat Hussain Dar, Dy.SP, for submitting a written statement of defence within a period of 21 days; and

**Whereas,** in the reply/written statement of defence dated 17.03.2017, Shri Basharat Hussain Dar, Dy.SP, denied the charge as baseless and unfounded. He further stated in his response that he contracted the second marriage after divorcing his first wife; and

**Whereas,** the reply/written statement of defence submitted by Shri Basharat Hussain Dar, Dy.SP, was examined and it was decided to have an in-depth inquiry into the charge. Accordingly, vide Government Order No.1752-Home of 2017 dated 06.12.2017, Inquiry Officer was appointed to inquire into the charge served upon the officer; and

**Whereas,** the Inquiry Officer submitted the report of inquiry to the Home Department vide No.CHQ/386-87 dated 25.06.2018. In the report, the inquiry officer concluded that Shri Basharat Hussain Dar, Dy.SP, contracted second marriage with Ms. Sheetal Bharti, during the subsistence of his first marriage with Dr. Rizwana Parveen, without obtaining prior permission from the Government and, as such, committed misconduct in

terms of Rule 22(1) of the J&K Government Employees(Conduct) Rules, 1971; and

**Whereas**, the report ibid submitted by the Inquiry Officer, after having been examined, was placed before the Competent Authority for consideration and for taking a decision on imposing the penalty. The Competent Authority accepted the report of inquiry and decided to impose Major Penalty for violating Rule 22(1) of the J&K Government Employees (Conduct) Rules, 1971; and

**Whereas**, before imposing the penalty upon Shri Basharat Hussain Dar, Dy.SP, a notice dated 08.07.2022, in terms of Rule 34 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, was served upon the officer to show cause, within a period of 15 days, as to why a major penalty under Rule 30 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, be not imposed upon him; and

**Whereas**, Shri Basharat Hussain Dar submitted his response to the notice served to him in terms of Rule 34 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956. The response submitted by Shri Basharat Hussain Dar, Dy.SP, was examined in the Home Department and was placed before the Competent Authority for taking a decision on imposing penalty or otherwise; and

**Whereas**, the Competent Authority, after considering the response of the officer did not find any cogent reasons to change his decision on imposing penalty against Shri Basharat Hussain Dar, Dy. SP. Accordingly, the Competent Authority being satisfied with the inquiry conducted by the Inquiry Officer and the procedure followed in this case, arrived at a decision of imposing a **penalty of Withholding two increments without cumulative effect and withholding promotion for a period of two years of Shri Basharat Hussain Dar, Dy. SP**, as listed at S. No.(iii) of Rule 30 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, for violating Rule 22(1) of the J&K Government Employees (Conduct) Rules, 1971.

**Now**, therefore, it is hereby ordered that:

- a. Two annual increments of Shri Basharat Hussain Dar, Dy. SP, KPS-116199, shall be withheld for a period of two years without cumulative effect from the date of issue of this order; and

- b. The promotion of Shri Basharat Hussain Dar, Dy. SP, shall be withheld for a period of two years from the date of issue of this order.

**By Order of the Government of Jammu and Kashmir.**

Sd/-

**(Raj Kumar Goyal), IAS**  
Financial Commissioner/  
Additional Chief Secretary

Dated:06.12.2022

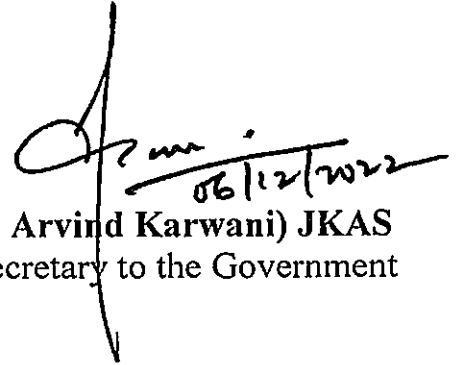
No: Home-PG/241/2021-08 (CC 54690)

**Copy to the:**

1. Director General of Police, J&K.
2. Principal Accountant General, J&K.
3. Additional Secretary to Hon'ble Lieutenant Governor.
4. Director Archives, Archaeology & Museums, J&K.
5. Mr. Basharat Hussain Dar, Dy.SP, attached with IR-11<sup>th</sup> Bn.
6. Private Secretary to the Chief Secretary, J&K.
7. Private Secretary to the Financial Commissioner (Additional Chief Secretary), Home Department.
8. Incharge Website, Home Department.
9. Government Order file/Stock file.

**Copy also to the:**

Joint Secretary (JKL), Ministry of Home Affairs, Government of India.



06/12/2022

**(Dr. Arvind Karwani) JKAS**  
Additional Secretary to the Government